

# COOPER & DUNHAM LLP

ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036

TELEPHONE: (212) 278-0400

CHRISTOPHER C. DUNHAM  
NORMAN H. ZIVIN  
JOHN P. WHITE  
WILLIAM E. PELTON  
DONALD S. DOWDEN  
PETER J. PHILLIPS  
WENDY E. MILLER  
ALBERT WAI-KIT CHAN  
PAUL TENG  
ELIZABETH M. WIECKOWSKI  
PEDRO C. FERNANDEZ  
TODD W. EVANS  
PHANESH B. KONERU\*

IVAN S. KAVRUKOV  
PETER D. MURRAY  
JAY H. MAIOLI  
ROBERT B. G. MOROWITZ  
ROBERT D. KATZ  
DONNA A. TOBIN  
RICHARD S. MILNER  
ROBERT T. MALDONADO  
GEORGE M. MACDONALD  
RICHARD F. JAWORSKI  
VINCENT A. SIRECI  
ROBERT E. ALDERSON, JR.\*  
WILLIAM Y. LEE\*

\*NOT ADMITTED IN NEW YORK

FACSIMILE: (212) 391-0525  
(212) 391-0526  
(212) 391-0630

OF COUNSEL  
GERALD W. GRIFFIN  
JOHN R. GARBER

SCIENTIFIC ADVISORS  
JANE M. LOVE, PH. D.  
LOCK SEE YU-JAHNES, PH. D.  
ALAN D. MILLER, PH. D.  
AMY J. PFIZENMAYER, PH. D.

FOUNDED 1887  
www.cooperdunham.com

## FACSIMILE TRANSMISSION

**PLEASE DELIVER THE FOLLOWING PAGES**

**TO :** VONDA WALLACE

**COMPANY/FIRM :** U.S. PTO/PCT International Division

**FACSIMILE NO.:** (703) 305-3230

**FROM :** Albert Wai-Kit Chan, Esq./syc

**CLIENT/DOCKET:** 0575/48231-A-PCT-US

**TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE:** 8

**DATE :** May 11, 1999 **TIME:** 1:00pm

**IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0477.**

### MESSAGE

Communication Requesting Withdrawal Of April 6, 1999 Notice Of Abandonment in connection with Iva Greenwald and Diane Levitan, for IDENTIFICATION OF Sel-12 AND USES THEREOF, U.S. Serial No. 09/043,944, filed September 27, 1996, including Exhibit A (a copy of the Notification of Abandonment), Exhibit B (a copy of the docketing report), and a Facsimile Certificate of Transmission dated May 11, 1999

=====

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Iva Gr enwald and Diane Levitan  
Serial No. : 09/043,944 International Serial  
No.: PCT/US96/15727  
Filed : March 27, 1998 International Filing  
Date: 27 September 1996  
For : IDENTIFICATION OF Sel-12 AND USES THEREOF

1185 Ave. of the Americas  
New York, New York 10036  
May 11, 1999

Assistant Commissioner for Patents  
Washington, D.C. 20231

**FACSIMILE CERTIFICATE OF TRANSMISSION IN  
CONNECTION WITH THE ABOVE-IDENTIFIED APPLICATION**

Date of Facsimile: May 11, 1999

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Printed Name: \_\_\_\_\_

*Sandy Chan*  
Sandy Chan

Respectfully submitted,

*Albert Wai Kit Chan*  
\_\_\_\_\_  
John P. White  
Registration No. 28,678  
Albert Wai-Kit Chan  
Registration No. 36,479  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Iva Gre nwald and Diane Levitan  
S rial No. : 09/043,944 International Serial  
No.: PCT/US96/15727  
Filed : March 27, 1998 International Filing  
Date: 27 September 1996  
For : IDENTIFICATION OF Sel-12 AND USES THEREOF

1185 Ave. of the Americas  
New York, New York 10036  
May 11, 1999

Assistant Commissioner for Patents  
Washington, D.C. 20231

SIR:

**COMMUNICATION REQUESTING WITHDRAWAL OF  
APRIL 6, 1999 NOTIFICATION OF ABANDONMENT**

This Communication is submitted in response to the Notification of Abandonment issued April 6, 1999 in connection with the above-identified application. A copy of the Notification is transmitted herewith as Exhibit A. Applicants contend that the April 6, 1999 Notification of Abandonment was issued in error and respectfully request that the April 6, 1999 Notification of Abandonment be withdrawn.

The April 6, 1999 Notification of Abandonment was issued for applicants' alleged failure to respond to the May 1, 1998 Notification of Missing Requirements. However, applicants never received the May 1, 1998 Notification of Missing Requirements and were unaware that a Notification of Missing Requirements had been issued.

A search of the file jacket maintained by applicants' attorney did not find a May 1, 1998 Notification of Missing Requirements. A search of the docket records maintained by applicants' attorney also shows no record of receipt of the May 1, 1998 Notification of Missing Requirements. A copy of the docket record where the non-received Notification of Missing Requirements would have been entered had it been received is transmitted herewith as Exhibit B. If the May 1, 1998 Notification of Missing Requirements had been received, an entry for it would appear in the "ACTION"

Applicants: Iva Greenwald and Diane Levitan  
Serial No.: 09/043,944  
Filed: March 27, 1998  
Page 2

section, and assuming the Notification of Missing Requirements provided thirty (30) days for response, the "DUE DATE" section would read "01JE1998".

In view of the foregoing, applicants maintain the May 1, 1998 Notification of Missing Requirements was not received in connection with the subject application. Accordingly, applicants respectfully request that the April 6, 1999 Notification of Abandonment be withdrawn and a new Notification of Missing Requirements be issued.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone the number provided below.

Applicants maintain that no fee is deemed necessary in connection with the filing of this Communication due to the fact that the Notification of Abandonment was issued erroneously by the U.S. Patent and Trademark Office. However, if necessary, applicants authorize the U.S. Patent and Trademark Office to treat this Communication as a Petition and to charge any fee required to Deposit Account No. 03-3125.

Respectfully submitted,

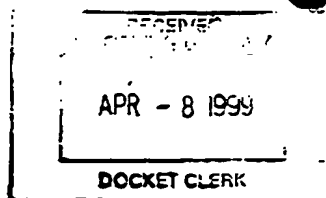


---

John P. White  
Registration No. 28,678  
Albert Wai-Kit Chan  
Registration No. 36,79  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

09/043944

#3



UNITED STATES DEPARTMENT OF COMMERCE  
 Patent and Trademark Office  
 Address: ASSISTANT COMMISSIONER FOR PATENTS  
 Box PCT  
 Washington, D.C. 20231

U.S. APPLICATION NO. 09/043,944	FIRST NAMED APPLICANT GREENWALD	ATTY. DOCKET NO. 48231A PCTUS
5611		INTERNATIONAL APPLICATION NO. PCT/US96/15727
JOHN P WHITE COOPER & DUNHAM 1185 AVENUE OF THE AMERICAS NEW YORK NY 10036		LA. FILING DATE 09/27/96
		PRIORITY DATE 09/27/95
DATE MAILED: 04/06/99		

### NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

- ☐ Applicant's letter of express abandonment received \_\_\_\_\_ is in compliance with CFR 1.138 and is hereby acknowledged.
- ☐ Applicant has failed to provide the full U.S. Basic National Fee by ☐ 20 months (37 CFR 1.494(b)(2)), ☐ 30 months (37 CFR 1.495(b)(2)).
- ☒ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 01 MAY - 1998 within the time period set therein.
- ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed \_\_\_\_\_ within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
- ☐ Other.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C 371 and 37 CFR ☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Vorata Wallace  
 PCT International  
 Telephone: 305-3736

-----  
DOCKET #: 48231-A-PCT-US  
CLIENT: 0575 COLUMBIA UNIVERSITY  
TITLE: IDENTIFICATION OF Sel-12 AND USES THEREOF  
COUNTRY: USA U. S. A.  
TYPE OF FILING: PCT National<NAT>, Patent Cooperation Treaty<PCT>, European Patent Convention<EPC>  
TYPE OF PATENT: REG Utility<REG>, Design<DSN>, Provisional<PRV>, Reissue<REI>, Plant<PLT>  
RELATION TO PARENT: ORG No Parent<ORG>, Continuation<CON>, Continuation-In-Part<CIP>, Divisional<DIV>  
APPLICATION #: 09/043944  
APPLICATION DATE: 27SE1996  
PATENT #:  
GRANT DATE:  
EXPIRATION DATE:  
NEXT MAINTENANCE DUE:

FIRST FILING DATE: 27SE1995  
PARENT #: PCT/US96/15727  
PARENT DATE: 27SE1996

ACTION	DUE DATE	ACTION TAKEN
-----	-----	-----
20 MONTH PHASE	27MR1998	
NATIONAL FILING FEE DUE	27MR1998	

\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

TX/RX NO. 8111

CONNECTION TEL 17812800669

CONNECTION ID

START TIME 05/11 12:03

USAGE TIME 01'58

PAGES 8

RESULT OK